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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES BRANCH,

Petitioner,

No. CIV S-08-CV-2761 JAM CHS P

vs.

JAMES A. YATES,

Respondent.

ORDER

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Petitioner, Charles Branch, is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is currently serving an indeterminate sentence of fifty years to life following his convictions by jury trial in the Solano County Superior Court, Case No. FCR215293, for first degree murder with a penalty enhancement for personally and intentionally discharging a firearm to cause death. With his petition, Petitioner presents various claims challenging the constitutionality of his conviction.

The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On November 8, 2010, the magistrate judge filed findings and recommendations herein which recommended that the petition be denied and informed Petitioner that he had twenty-one days in which to file objections to the findings and recommendations. On December 2, 2010, Petitioner filed a document entitled “Objections to Findings and

1 Recommendations.” The substance of the document, however, was a request for an extension of  
2 time in which to file Petitioner’s objections to the magistrate judge’s findings and recommendations,  
3 which was granted, and a request for appointment of counsel, which was denied. Petitioner  
4 subsequently failed to file his objections in compliance with the extended deadline.

5 On January 28, 2011, the United States District Court Judge assigned to Petitioner’s  
6 case issued an order adopting the magistrate judge’s findings and recommendations in whole. On  
7 January 31, 2011, Petitioner filed objections to the magistrate judge’s findings and  
8 recommendations. Petitioner is advised that his objections are untimely as he failed to file them by  
9 the extended deadline, and the magistrate judge’s findings and recommendations became final when  
10 they were adopted by on January 28, 2010. In any event, the Court has reviewed Petitioner’s  
11 objections and finds no reason to set aside or vacate judgment in this case.

12 Accordingly, IT IS SO ORDERED that Petitioner’s untimely objections to the  
13 magistrate judge’s findings and recommendations are DISREGARDED.

14 DATED: February 3, 2011.

15  
16 /s/ John A. Mendez  
17 U.S. DISTRICT COURT JUDGE  
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